

**COUNCIL MEETING
MONDAY, JUNE 4, 2018
COUNCIL CHAMBERS
www.lackawannany.gov**

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Pro Tempore Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pro Tempore Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Leonard, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Recreation,
Public Works

Approval of Minutes: of regular meeting of May 21, 2018.

Moved by Iafallo seconded by Surdyke to adopt minutes of regular meeting of May 21, 2018

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Departmental Reports:

1. **City Comptroller-** A/P Check Listing #47, dated May 17, 2018
2. **City Comptroller-** A/P Check Listing #48, dated May 24, 2018

Moved by Iafallo seconded by Noman receive and file departmental reports one and two

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Communications from the Mayor:

Willet Road Repaving

3. To: City Council

Mayor Szymanski received this correspondence from the Town of Hamburg-

Upon learning of the Mayor's request for a joint undertaking to repave Willet Road which rests on the Lackawanna/Hamburg border I was happy to consider the prospect of Hamburg's contribution to this project. Willet Road is a disgrace. The broken pavement and crater-sized potholes make the roadway unsafe at any speed. There are 15 homeowners on the Hamburg side of the road and one commercial property. The Lackawanna side is more densely populated, yet the citizens who use the street on a daily basis all agree that it is in awful shape.

Notwithstanding my interest in going forward, Hamburg Highway Superintendent Ted Casey nixed the project. He had developed his own priority list based on his own criteria for the application of funds for the repaving of Hamburg roads. Under the Highway Law of the State of New York the Highway Superintendent has exclusive authority to appropriate funds for reconstruction and/or repaving of Town streets.

However, I was told that Willet Road was in a Community Development Block Grant fund target area and would qualify for CDBG funding. I was thrilled to hear the news since Hamburg's contribution to the overall costs of the project could be realized through the appropriation of Federal dollars.

Much to my surprise, I learned on May 10th, that the original conclusion drawn by Chris Hull, Director of Hamburg Community Development as to Willet Road's placement in the target area may have been in error. Evidently some portions of Willet Road may qualify and others may be outside of the targeted area. By sending a copy of this letter to Chris Hull, I am instructing him to make whatever determinations he can make in the hope that Willet Road can be repave this summer without further delay.

Mr. Hull informs me that there may have to be a survey undertaken. I don't want to post-pone a decision and I don't want to add considerable expense to this project, nonetheless, I am asking him to do whatever is necessary to enable us to make a correct and final determination.

If Willet Road qualifies for CDBG funding then Hamburg will enter into a contract with the City of Lackawanna for the purpose of getting it done. I'm sorry to say that in the event that CDBG funds cannot be appropriated for this project, I have no authority to instruct the Highway Superintendent to make the necessary appropriation.

Thanks for your continued understanding. I hope we can move this project to completion.

JAMES M SHAW-TOWN of HAMBURG SUPERVISOR

Moved by Iafallo seconded by Leonard receive and file

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Communications from Department/Division Heads:

CDBG Smart Growth Fund Resolution –Tabled Item

4. To: City Council

I am humbly requesting that the Lackawanna City Council remove the tabled Application for Community Development Block Grant Smart Growth Funds resolution dated May 21, 2018, to approve the application submission. I have answered the questions that were identified at the last City Council Meeting and hopefully they adequately addressed your concerns. The City is applying for \$325,000.00 with a cash match of \$32,500 (10%).

Thank you in advance for your anticipated cooperation on this matter. Please feel free to contact me, if you have any additional questions regarding this subject matter.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Iafallo seconded by Noman to remove the Resolution Item #7 from the May 21, 2018 meeting

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Purchase Offer-76 Holland Avenue

5. To: City Council

My office has received an offer from Fadl A. Faadel in the amount of \$4,500 to purchase the 2 family vacant home located at 76 Holland Avenue for the purpose of rehabbing and returning the property to city tax rolls. Currently the property is in poor condition and is being sold as is; the purchaser will bring the property into code compliance within 12 months of title transfer.

Therefore, it is my recommendation that the City Council **APPROVE** the sale of 76 Holland Avenue to Fadl A. Faadel in the amount of \$4,500.

For further information, please contact the Assessor's Office.

FRANK E KRAKOWSKI-CITY ASSESSOR

OFFER RETRACTED-NO ACTION TAKEN

Purchase Offer-174 & 178 Well Street-Vacant Land

6. To: City Council

My office has received an offer from Wardell M. Spates in the amount of \$500 to purchase the vacant parcel on Well Street, for the purpose extending his yard. The lot is non-buildable do to the ground conditions in the area.

Therefore, it is my recommendation that the City Council **not approve** the sale of 174 & 178 Well Street to Wardell M. Spates in the amount of \$500.

The recommendation of this office is \$1,000 which has been conveyed to the purchaser.

For further information, please contact the Assessor’s Office.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Leonard to DENY sale due to insufficient purchase price

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Purchase Offer-297 Ridge Road-Vacant Lot

7. To: City Council

My office has received an offer from Stanley C. Tyrpak in the amount of \$1,000 to purchase the vacant parcel located at 297 Ridge, for the purpose of constructing a garage in the rear of property and cleaning up the remaining parcel. All improvements would be subject to zoning and planning board approval if necessary.

Therefore, it is my recommendation that the City Council **APPROVE** the sale of 297 Ridge Rd. to Stanley C. Tyrpak in the amount of \$1,000.

For further information, please contact the Assessor’s Office.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Noman seconded by Iafallo to TABLE for study

Yeas: Noman, Surdyke, Iafallo

Nays: Leonard

Carried 3-1

Council President Resignation

8. To: City Council

I am in receipt of the formal resignation of Council President Keith Lewis, effective May 31, 2018, and thank him for his service to our city. Please be advised that pursuant to Section 3.2 of the City Charter, the Council must appoint a person to fill the vacancy created by said resignation. As Mr. Lewis was Council President, the person appointed by the Council must be a resident of the City at large and of the same political party. Please feel free to contact me if you have any questions regarding the procedure.

ANTONIO SAVAGLIO-CITY ATTORNEY

Moved by Iafallo seconded by Leonard receive and file

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Communications from Citizens:

Flag Football Showcase

9. To: City Council

First we would like to thank you for the opportunity to review our request. We at LA Sports Club would like to request that we have access to Veterans Memorial Stadium for our events we will be having over the course of the summer. We will like to host LA Sports Club Flag Football Showcase.

Every Saturday, from June 23th, 2018 until July 28th, 2018, from the times of 9am-1pm. We will be hosting booth a Flag Football Showcase for the kids in the local area. We will be partner with NFLFlag to make this

event happen. We will have the equipment to host such event but we would like to request usage of the field and upkeep. We also will be providing insurance for each child that signs up and participates in our camps, as well as insurance for the field usage. Each child will be between the ages of 5-15 years old. Each child will be given the chance to learn the basic skills in flag football as well as the opportunity to have fun. There will be a host of organized games over the course of camp. Each child will be required to pay a donation fee of \$50 per child, or \$500 for select teams to cover the cost of equipment, referees, their NFL flag jersey, security, clean-up and insurance.

We have provided a copy of our current insurance policy that covers the City of Lackawanna. We think this is a great idea for the kids and we would love for the field to be available to us. Thank you for your time in advance we look forward to working together for the kids.

DARRELL GLOVER, JR-L.A. SPORTS CLUB PRESIDENT

Moved by Iafallo seconded by Noman approve request, refer to City Attorney & Director of Recreation

Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Local Law:

A LOCAL LAW AUTHORIZING A PROPERTY TAX IN EXCESS OF THE LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

Be it enacted by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of this local law to allow the City of Lackawanna to adopt a budget for the fiscal year commencing August 1, 2018 that requires a real property tax levy in excess of the "tax levy limit" as defined by General municipal Law section 3-c.

SECTION 2. AUTHORITY

This local law is adopted pursuant to subdivision 5 of General municipal Law section 3-c, which expressly authorized a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The City Council of the City of Lackawanna, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing August 1, 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law section 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstances is invalid or unconstitutional, the court's order or judgment shall affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

Moved by Iafallo seconded by Leonard to adopt Local Law as written
Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Tabled Items:

Resolution #11, 2018-CDBG Smart Growth Funds

Authorizing the City of Lackawanna to file an application for funds with the Erie County Department of Environment and Planning

WHEREAS, the City of Lackawanna is desirous of obtaining Community Development Block Grant Program Smart Growth Funds from the Erie County Department of Environment and Planning in the amount of \$325,000.00 under the Federal Housing and Community Development Act as amended

NOW, THEREFORE BE IT RESOLVED, that the City of Lackawanna does hereby formally request funding from the Erie County Department of Environment and Planning; and

BE IT FURTHER RESOLVED, that the Lackawanna City Council does hereby authorize the Mayor, Geoffrey M. Szymanski as the official to sign, submit and execute all applications, forms and contracts between the City of Lackawanna and Erie County New York.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt resolution as written
Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Waive Rules:

Moved by Surdyke seconded by Noman to waive the rules
Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Entertainment License:

Class 1-Live Music/Mechanical Reproduction-Jokers of Lackawanna-1783 Electric Avenue

Moved by Iafallo seconded by Surdyke to approve request –live music to end at 11:00 PM
Yeas: Noman, Leonard, Surdyke, Iafallo

Carried 4-0

Dona Street (Lincoln School) Demolition Contract, Change Order 01

As you are aware, the Dona Street Demolition Project is moving forward, with additional funds and a significant change order based upon further testing. Please approve the change in the amount of -\$279,080 (a credit to the City against the original contract amount of \$1,277,560.00).

The application of this change order results in a new contract amount of \$998,480.

The change order restricts the handling of the area once thought to be wide spread with contaminated soil and restricts operations in dealing with the soil and subsurface. It creates a credit against line #1 for the quantity removal of soil. It includes abandonment of a footing in a limited area and accounts for a deduct in soil striping and storage.

The change order has been signed by the contractor and is actionable upon your approval.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by lafallo seconded by Noman to approve a change order amending the previously awarded low price for the demolition of 100 Dona Street

Yeas: Noman, Leonard, Surdyke, lafallo

Carried 4-0

Appointment of Council President

Moved by Leonard seconded by Noman to appoint Annette lafallo to the vacant position of Council President, effective immediately, term to expire December 31, 2018

Yeas: Noman, Leonard, Surdyke

Recused: lafallo

Carried 3-0

Executive Session:

Moved by lafallo seconded by Noman to move to executive session at 7:20 PM for personnel matter

Yeas: Noman, Leonard, Surdyke, lafallo

Carried 4-0

Meeting reconvened at 7:37 PM

Roll Call: Council: Present Noman, Leonard, Surdyke, lafallo

Adjournment:

Moved by lafallo seconded by Leonard meeting adjourned

Yeas: Noman, Leonard, Surdyke, lafallo

Carried 4-0

Annette lafallo-Council President

Jeffrey P. DePasquale, City Clerk